

NO. PD-1211-20

NATHANIEL ALLAN JOHNSON	§	IN THE TEXAS COURT OF
	§	COURT OF CRIMINAL APPEALS
V.	§	CRIMINAL APPEALS,
	§	DEANA WILLIAMSON, CLERK
THE STATE OF TEXAS	§	AT AUSTIN, TEXAS

**STATE'S MOTION FOR
EXTENSION OF TIME TO FILE BRIEF**

**TO THE HONORABLE JUDGES OF THE COURT OF CRIMINAL
APPEALS:**

The State of Texas respectfully requests that the Court grant the State an extension of time to file its brief on the merits in the above-captioned case. The State would respectfully show the Court the following:

1. On March 21, 2019, a jury found the appellant guilty of assault against a family member by occlusion with a prior conviction for assault against a family member and assessed his sentence at imprisonment for life.
2. The appellant filed his notice of appeal the same day.
3. The Court of Appeals for the Ninth District affirmed the judgment of conviction on November 25, 2020.
4. This Court granted the appellant's petition for discretionary review on March 31, 2021.

5. The appellant filed his brief on the merits in this Court on May 17, 2021.
6. The State's brief is due to be filed in this Court on June 16, 2021.
7. The State has not previously requested an extension of time to file its brief in this Court.
8. The State hereby requests a 30-day extension of time to file its brief, until July 16, 2021.
9. Good cause exists for the requested extension of time, for the following reasons:

In the thirty days preceding the State's brief's due date, the undersigned counsel for the State has been required to prepare and file the State's answer to an application for post-conviction writ of habeas corpus in *Ex parte Cabello*, Cause No. 21-3221, and *Ex parte Dreyer*, Cause No. 07-01-00642-(1); and the State's Response to Motion for New Trial in *State v. Miguel Guzman*, Cause No. 20-06-07677.

Further, the undersigned counsel for the State was required to represent the State in trial in cause number 18-11-15694, *State v. Edward Rodriquez*, during the week of 5/24/2021 and part of the week of 6/1/2021.

Further, the undersigned counsel is assigned to represent the State in Montgomery County's misdemeanor expunction cases and has been required to attend to duties pursuant to that assignment.

Additionally, our office was closed on May 31, 2021, in observation of Memorial Day, and the undersigned counsel was absent from the office due to illness on June 16, 2021.

Consequently, undersigned counsel has not had sufficient time to prepare an adequate State's brief in this case.

THEREFORE, the State requests an extension of time to file its brief until October 16, 2020, in this case.

Respectfully submitted,

BRETT W. LIGON
District Attorney
Montgomery County, Texas

/s/ Philip S. Harris
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion is being sent by e-mail to Jon A. Jaworski, attorney for the appellant, at jaaws@peoplepc.com on the date of the filing of the original with the Clerk of this Court.

/s/ Philip S. Harris
PHILIP S. HARRIS
Assistant District Attorney
Montgomery County, Texas

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Philip Harris
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Associated Case Party: Law Office of Jon A. Jaworski

Name	BarNumber	Email	TimestampSubmitted	Status
Jon A.Jaworski		jaaws@peoplepc.com	6/17/2021 10:05:16 AM	SENT